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ORDINANCE 21-13

**AN ORDINANCE AMENDING CHAPTER 27 OF THE ROSWELL CITY CODE
RELATING TO CANNABIS**

WHEREAS, within the Cannabis Regulation Act, codified as NMSA 1978, § 26-2C-1 *et seq.*, the New Mexico Legislature established a comprehensive regulatory framework for the possession, cultivation, manufacture and sales of cannabis and cannabis-derived products; and

WHEREAS, the Cannabis Regulation Act provides that local jurisdictions may adopt time, place, and manner rules that do not conflict with the Cannabis Regulation Act or the Dee Johnson Clean Indoor Air Act, including rules that reasonably limit density of licenses and operating times consistent with neighborhood uses; and

WHEREAS, the City Council has previously adopted Ordinance 21-09 and 21-10, establishing a framework to enact such controls and restrictions on the possession, use, cultivation, manufacture and sales of cannabis and cannabis-derived products, consistent with the provisions of the Cannabis Regulation Act, necessary and proper to protect and promote the health, safety, and welfare of the citizens of Roswell, New Mexico; and

WHEREAS, the City Council intends with this ordinance, to amend Chapter 27 of the Roswell City Code, to further provide the policies and procedures for regulation of cannabis and anticipates adopting additional provisions in the future to provide a comprehensive approach to cannabis and related activities within the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL AS THE GOVERNING BODY OF THE CITY OF ROSWELL, NEW MEXICO, that:

SECTION 1. Section 27-12 of the Roswell City Code is hereby amended as follows:

Sec. 27-12. – Additional definitions

To provide for objective administration and application of this chapter, the terms provided for herein below shall have the following meanings:

Applicant: A person, or legal entity, filing a cannabis project application to locate a cannabis establishment within the City.

Cannabis distributor means a cannabis operator establishment engaged in the business of cannabis distribution.

Cannabis project application: The entire package of applications, maps, plans, studies, and supporting documentation that comprises a zoning request, Regulatory Permit, and other supporting documentation as deemed necessary and proper for review, approval, and permitting purposes by the City of Roswell.

CCAN: Commercial Cannabis Zoning District

1
2 ***Certificate of Occupancy:*** The document issued by the City of Roswell building
3 department certifying a building's compliance with applicable building codes and other
4 laws, and indicating it to be in a condition suitable for occupancy
5

6 ***Childcare facility*** refers to an establishment operated by a person, society, agency,
7 corporation, institution, or any other licensed entity where children are under the
8 supervision and management of a day-care center, babysitter, or other provider when the
9 legal guardians of the children are unable to supervise.
10

11 ***City Manager*** means the City Manager of the City of Roswell or his designee.
12

13 ***Conditional Use Permit (CUP)*** allows property owners to utilize land in a way that is not
14 specifically permitted under the location's designated zone. For each cannabis-related
15 business, in addition to a CUP, an application for change of zone, regulatory permit
16 application, and supporting documentation (including any other related permit
17 applications), shall comprise a complete cannabis project application, to which conditions
18 of approval shall be attached.
19

20 ***Distribution:*** The procurement, sale and transport of cannabis or cannabis products
21 between cannabis businesses.
22

23 ***Division:*** refers to the Cannabis Control Division (CCD), as defined in section 26-2C-3(A)
24 of the Cannabis Regulation Act.
25

26 ***Edible cannabis product:*** Also known as a cannabis edible, cannabis-infused food, or
27 simply an edible, is a food product (either homemade or produced commercially)
28 containing cannabis extract as an active ingredient. Although edible may refer to either a
29 food or a drink, a cannabis-infused drink may be referred to more specifically as a liquid
30 edible or drinkable.
31

32 ***Floating zone:*** A zoning district with delineated requirements and/or conditions to be met
33 by an applicant prior to approval of the zone designation for a particular parcel of land.
34 Rather than being placed on the zoning map as traditional zones are, however, the floating
35 zone is simply written as an amendment in the zoning ordinance. Thus, the zone "floats"
36 until a development application is approved, when the zone is then added to the official
37 zoning map.
38

39 ***Halfway House:*** See *Rehabilitation facility; inpatient*
40

41 ***ICAN:*** Industrial Cannabis Zoning District
42

43 ***Industrial Cannabis Establishment:*** Includes, but is not limited to, businesses established
44 principally for the purposes of cultivation, manufacture, distribution, laboratory testing
45 (including research & development), and transportation (including possession, processing,
46 storing, and labeling incidental to such activities) of cannabis and cannabis products as

provided in this chapter. Industrial cannabis establishments must be sited within the ICAN zoning district.

Mature cannabis plant: A cannabis plant that has flowered and has buds that are observable by unaided visual examination.

Medical dispensary means a cannabis business facility where cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment (whether fixed or mobile) that delivers, pursuant to express authorization, medical cannabis and medical cannabis products as part of a retail sale, and where the operator holds a valid cannabis business regulatory permit and business license from the City of Roswell, authorizing the operation of a dispensary, and a valid State of New Mexico license, approved by the Cannabis Control Division (CCD) for the operation of a cannabis medical dispensary.

Non-storefront retailer: An approved cannabis retailer that provides recreational or medicinal cannabis exclusively through an approved and permitted courier service.

Mature cannabis plant: A cannabis plant that has flowered and has buds that are observable by unaided visual examination.

Medical dispensary means a cannabis business facility where cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment (whether fixed or mobile) that delivers, pursuant to express authorization, medical cannabis and medical cannabis products as part of a retail sale, and where the operator holds a valid cannabis business regulatory permit and business license from the City of Roswell, authorizing the operation of a dispensary, and a valid State of New Mexico license, approved by the Cannabis Control Division (CCD) for the operation of a cannabis medical dispensary.

Non-storefront retailer: An approved cannabis retailer that provides recreational or medicinal cannabis exclusively through an approved and permitted courier service.

Owner/operator: A person or entity including:

1. all persons with an aggregate ownership interest of twenty (20) percent or more in the applicant, unless such interest is solely a security, lien, or encumbrance; or
2. an individual that will be participating in the direction, control, or management of the permitted cannabis establishment.

Permittee: The individual or entity to whom a regulatory permit has been issued under this Chapter. A permittee includes all representatives, agents, parent entities, or subsidiary entities of the permittee.

Pre-application Review (PAR): The process by which an applicant for a cannabis project submits preliminary documentation to the Planning & Zoning Division for review by city

1 staff. The PAR is required for all cannabis related projects and no formal application for
2 permitting (zone change, CUP, regulatory permit, etc.) shall be accepted or processed
3 without completion of the PAR.
4

5 ***Regulation and Licensing Department (RLD or NMRLD):*** Refers to the Regulation and
6 Licensing Department of the State of New Mexico.
7

8 ***Rehabilitation Facility:*** A facility for the purposes of temporary or long-term treatment,
9 for addiction to alcohol or drugs. Rehabilitation facilities may provide care, treatment,
10 and/or counseling through either medical, or non-medical practices. The structures and land
11 associated with the rehabilitation facility may be provided for by inpatient or outpatient
12 services and needs:

- 13 a. Inpatient treatment facility: where one or more patients are provided with care,
14 treatment, meals, and lodging.
15 b. Outpatient treatment facility: where one or more patients are provided with care
16 and/or treatment, but no meals or lodging are provided.
17

18 ***Retail Cannabis Establishment:*** Is limited to those businesses established principally for
19 the purposes of retail sales and/or on-site consumption of cannabis and/or cannabis
20 products to qualified patients, primary caregivers, reciprocal participants, or directly to
21 consumers. Retail cannabis establishments may be sited within the CCAN or ICAN zoning
22 districts.
23

24 ***Retirement facility*** is any form of housing, either detached or attached dwelling units,
25 apartments, or residences designed for and principally occupied by senior citizens. Such
26 facilities may include a congregate meals program in a common dining area, but exclude
27 institutional care such as medical or nursing care.
28

29 ***Substance Abuse Treatment Center:*** See Rehabilitation facility.
30

31 ***School:*** An instructional facility or institution for the teaching of children or adults, either
32 public or private.
33

34 ***Senior care facility*** refers to a facility that provides housing that is suitable for the needs
35 of an aging population, where the emphasis of the establishment predominantly concerns
36 safety, accessibility, adaptability and longevity. The functions of a senior care facility can
37 range from an independent living facility to a 24-hour care facility.
38

39 ***State license:*** A license issued by the state of New Mexico, Cannabis Control Division.
40

41 ***Zoning request:*** A written request, included in an application, for a zone change to an
42 appropriate floating zone, and for issuance of a conditional use permit in connection
43 therewith.
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1 SECTION 2. Section 27-52 of Chapter 27 of the Roswell City Code is hereby amended as
2 follows:

3
4 **Sec. 27-52. – Cannabis Project Applications**

5
6 Each cannabis project application to locate a cannabis establishment shall contain, at a
7 minimum, the following:

- 8
9 A. Applicant's name
10 B. Applicant's address
11 C. Proposed location
12 D. Type of proposed cannabis establishment
13 E. Zoning request, including:
14 1. Zone change request
15 2. Conditional use permit request, including all requirements of Sec. 27-67
16 F. ~~Any location or activity prohibited by Sec. 27-65.~~ An Exhibit or Map, drawn at an
17 appropriate engineering scale, indicating the distance (measured in feet) from any of
18 the following:
19 1. Any public or private facility as described in Sec. 27-65.A.1.
20 2. Any residential zoning district as described in Sec. 27-65.A.2
21 3. Any cannabis-related business as described in Sec. 27-65.A.3.
22

23 SECTION 3. Section 27-53 of Chapter 27 of the Roswell City Code is hereby enacted and shall
24 provide as follows:

25
26 **Sec. 27-53. – Operational Permit Required**

- 27
28 A. Prior to initiating operations, and as a continuing requirement to operate, a retail
29 cannabis establishment or industrial cannabis establishment, the legal representative of
30 the person(s) or entity intending to operate and/or lease a facility for the development
31 of a proposed cannabis establishment shall obtain and pay all fees associated with:
32
33 1. an operational permit from the city as required by this chapter
34
35 2. a conditional use permit from the city as required by this chapter.
36
37 3. all application, processing, and permitting fees as established and adopted by
38 resolution of the city council, including such amendments as may be adopted
39 from time to time
40
41 B. This section, and the requirement to obtain an operational permit, does not apply to the
42 individual possession or cultivation of cannabis for personal use, as allowed by state
43 law. Personal possession and use, including non-commercial cannabis cultivation, is
44 regulated under Chapter 27, Article 5. Personal possession and use of cannabis pursuant
45 to state law and local ordinance, is permitted in the City of Roswell.

1
2 **SECTION 4. Section 27-54 of Chapter 27 of the Roswell City Code is hereby enacted and shall**
3 **provide as follows:**
4

5 **Sec. 27-54. – Operational Permit Application, Term, and Renewal**
6

7 Any application for a Cannabis Establishment operational permit (retail or industrial)
8 shall include, but shall not be limited to, the following information:
9

- 10 A. The name, address, and telephone number of the individual acting as the applicant for
11 the Cannabis Establishment operational permit.
12
- 13 B. If the applicant is a legal entity (corporation, llc, dba, etc.), the application must include
14 a description of the statutory entity or business form that will serve as the legal structure
15 for the applicant. The responsible individual for the legal entity shall also provide a
16 copy of the entity's formation and organizing documents, including, but not limited to,
17 1. articles of incorporation,
18 2. statement of information,
19 3. articles of association,
20 4. partnership agreement,
21 5. operating agreement,
22
- 23 C. A legible copy of each legal representative's photo identification, such as a state
24 driver's license, a passport issued by the United States, or a permanent resident card.
25
- 26 D. A list of the license or permit types (including license or permit numbers) held by the
27 applicant that involves the operation of an industrial cannabis establishment, including
28 the date the license or permit was issued and the jurisdiction or state license authority
29 that issued the license or permit.
30
- 31 E. The proposed industrial cannabis establishment's physical address, telephone number,
32 website address, and email address.
33
- 34 F. Contact information for the applicant's designated primary contact person including the
35 name, title, address, phone number, and email address of the individual.
36
- 37 G. A list of each fictitious business name or DBA (Doing Business As) filed with the
38 Secretary of State (for Corporations or LLC's) or Chaves County Clerk (for
39 individuals) that the applicant is operating under, including the physical address of the
40 location of the business.
41
- 42 H. A comprehensive business operations plan that includes the following:
43
44 1. Business plan. A plan describing how the industrial cannabis establishment will
45 operate in accordance with this chapter, state law, and other applicable regulations.
46

- 1 2. Community relations plan. A plan describing who is designated as being
2 responsible for outreach and communication with the surrounding community,
3 including the neighborhood and businesses, and how the designee can be contacted.
4
5 3. Neighborhood responsibility plan. A plan addressing any adverse impacts of the
6 proposed industrial cannabis establishment on the surrounding area.
7
8 I. A statement in writing by the applicant that certifies under penalty of perjury that all
9 the information contained in the application is true and correct.
10
11 J. A full and complete copy of the applicant's most current application submitted to and
12 approved by the State of New Mexico Cannabis Control Division (CCD).
13
14 K. Additional information as required by Sec. 27-71 (Industrial Cannabis establishments)
15 and/or Sec. 27-101 (Retail Cannabis establishments).
16
17 L. Based on the information set forth in the application, the city manager may impose
18 additional, reasonable terms and conditions on the proposed operations of the cannabis
19 establishment in addition to those specified in this chapter.
20
21 M. Operational Permit Term: A cannabis establishment operational permit is valid for one
22 year from the date that the permit is issued, unless suspended or revoked sooner.
23
24 N. Operational Permit Renewal Process:
25
26 1. To renew a cannabis establishment operational permit, a completed permit renewal
27 form and renewal permit fee shall be received by the Community Development
28 Department from the permittee no earlier than sixty (60) calendar days before the
29 expiration of the permit and no later than the last business day before the expiration
30 of the permit.
31
32 2. In the event the operational permit is not renewed prior to the expiration date, the
33 permittee must cease all cannabis establishment operations.
34
35 O. Display of Operational Permit: The permittee shall display a valid operational permit,
36 issued in accordance with this chapter, inside the lobby or waiting area of the main
37 entrance to the premises. The permit shall be displayed at all times in a conspicuous
38 place so that it may be readily seen by all persons entering the premises.
39
40 P. Permits Not Transferrable: Operational permits issued pursuant to this chapter are not
41 transferable.
42
43 Q. Compliance with State Law: All cannabis establishments shall comply fully with all of
44 the applicable restrictions and mandates set forth in state law, including without
45 limitation the Cannabis Regulation Act, codified as NMSA 1978, § 26-2C-1 et seq.
46

1 SECTION 5. Section 27-55 of Chapter 27 of the Roswell City Code is hereby enacted and shall
2 provide as follows:
3

4 **Sec. 27-55. – Operational Permit Denial, Suspension, Revocation, Surrender, and Appeal**
5

6 A. The Community Development Department may deny an application for an operational
7 permit or renewal of an operational permit upon making any of the following findings:
8

- 9 1. The applicant or the premises for which an operational permit is applied does not
10 qualify for a permit under this chapter.
11
- 12 2. The applicant made a material misrepresentation of the application.
13
- 14 3. The applicant fails to comply with the provisions of this chapter.
15
- 16 4. The applicant has failed to provide information required by the city manager.
17
- 18 5. The cannabis establishment is not properly organized or operating in strict
19 compliance pursuant to the Cannabis Regulation Act (NMSA 1978, § 26-2C-1 et
20 seq.), and any other applicable law, rules and regulations.
21

22 B. The city manager may suspend, modify, or revoke an operational permit issued
23 pursuant to the provisions of this chapter for any of the following reasons:
24

- 25 1. One or more of the circumstances upon which an operational permit could be
26 denied exists or has occurred; or
27
- 28 2. One or more conditions of the operational permit has been violated; or
29
- 30 3. The permittee, its owners, officers, directors, partners, agents, or other persons
31 vested with the authority to manage or direct the affairs of the business have
32 violated any provision of this chapter.
33
- 34 4. Operations cease for more than thirty (30) calendar days, including during change
35 of ownership proceedings, unless otherwise authorized by the city manager;
36
- 37 5. Ownership is changed without securing a new operational permit; or
38
- 39 6. The cannabis establishment fails to allow inspection of the records, security
40 recordings, the activity logs, or the premises by authorized city officials.
41

42 C. Every permittee who surrenders, abandons, or quits the permitted premises after a
43 certificate of occupancy is issued, or who closes the permitted premises for a period
44 exceeding sixty (60) consecutive calendar days after a certificate of occupancy is
45 issued, shall, within sixty (60) calendar days after closing, surrendering, quitting, or
46 abandoning the permitted premises, surrender the operational permit to the city
47 manager.

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1. The city manager may seize the operational permit of a permittee who fails to comply with the surrender provisions of this section and may proceed to revoke the permit.
2. If a permittee wishes to close a cannabis establishment for repair or refurbishment for a period of longer than sixty (60) calendar days, the permittee shall notify the city manager of same in writing.
- D. Any decision by the Community Development Department regarding the denial, suspension, or revocation of an operational permit may be appealed to the City Manager. Any decision by the City Manager regarding the denial, suspension, or revocation of an operational permit may be appealed to the City Council. Notice of and the procedures governing such hearing shall be provided pursuant to this Chapter.

SECTION 6. Section 27-56 of Chapter 27 of the Roswell City Code is hereby enacted and shall provide as follows:

Sec. 27-56. – Emergency Contact and Community Relations Manager

- A. The cannabis establishment permittee shall provide the city manager with the current name and primary and secondary telephone numbers of at least one 24-hour on-call manager to address and resolve complaints and to respond to operating problems or concerns associated with the cannabis establishment.
- B. Each cannabis establishment shall provide the city manager with the name, phone number, and email address of an on-site community relations staff person or other representative to whom the city can provide notice if there are operating problems associated with the cannabis establishment or refer members of the public who may have any concerns or complaints regarding the operation of the cannabis establishment. Each cannabis establishment shall also provide the above information to its business neighbors located within three hundred (300) feet of the cannabis establishment as measured in a straight line without regard to intervening structures, between the front doors of each establishment.

SECTION 7. Section 27-57 of Chapter 27 of the Roswell City Code is hereby enacted and shall provide as follows:

Sec. 27-57. – Inspections, Enforcement, and Violations

- A. Recordings made by security cameras at any industrial cannabis establishment shall be made immediately available to the city manager upon verbal request; no search warrant or subpoena shall be needed to view the recorded materials.

- 1 B. The city manager shall have the right to enter all industrial cannabis facilities from time
2 to time unannounced for the purpose of making reasonable inspections to observe and
3 enforce compliance with this chapter.
4
- 5 C. Operation of the industrial cannabis establishment in non-compliance with any
6 conditions of approval or the provisions of this chapter shall constitute a violation of
7 the municipal code and shall be enforced pursuant to the provisions of this code.
8
- 9 D. The city manager may summarily suspend or revoke a cannabis operational permit if
10 the city manager determines that the cannabis establishment has failed to comply with
11 this chapter or any condition of approval or a circumstance or situation has been created
12 that would have permitted the city manager to deny the permit under Sec. 27-55.
13
- 14 E. Violations of this chapter:
15
- 16 1. In addition to any other remedy allowed by law, any person who violates a
17 provision of this chapter is subject to criminal sanctions, civil actions,
18 administrative penalties, permit suspension, and permit revocation.
19
- 20 2. Violations of this chapter constitute an infraction or misdemeanor and may be
21 enforced by any applicable law.
22
- 23 3. Violations of this chapter are hereby declared to be public nuisances.
24
- 25 4. Each person is guilty of a separate offense each day a violation is allowed to
26 continue, and every violation of this chapter shall constitute a separate offense and
27 shall be subject to all remedies.
28
- 29 5. All remedies prescribed under this chapter shall be cumulative and the election of
30 one or more remedies shall not bar the city from the pursuit of any other remedy
31 for the purpose of enforcing the provisions hereof.
32

33 **SECTION 8. Section 27-58 of Chapter 27 of the Roswell City Code is hereby enacted and shall**
34 **provide as follows:**
35

36 **Sec. 27-58. – Liability and Indemnification**
37

- 38 A. To the fullest extent permitted by law, any actions taken by a public officer or employee
39 under the provisions of this chapter shall not become a personal liability of any public
40 officer or employee of the city.
41
- 42 B. To the maximum extent permitted by law, the permittees under this chapter shall defend
43 (with counsel acceptable to the city), indemnify and hold harmless the City of Roswell,
44 the Roswell Mayor and City Council, and its respective officials, officers, employees,
45 representatives, agents and volunteers (hereafter collectively called city) from any
46 liability damages, actions, claims, demands, litigation, loss (direct or indirect), causes
47 of action, proceedings or judgment (including legal costs, attorneys' fees, expert

1 witness or consultant fees, city attorney or staff time, expenses or costs (collectively
2 called "action") against the city to attack, set aside, void or annul, any cannabis-related
3 approvals and actions and comply with the conditions under which such permit is
4 granted, if any. The city may elect, in its sole discretion, to participate in the defense of
5 said action and the permittee shall reimburse the city for its reasonable legal costs and
6 attorneys' fees.

- 7
- 8 C. Within ten (10) calendar days of the service of the pleadings upon the city of any action
9 as specified in Subsection B., above, the permittee shall execute a letter of agreement
10 with the city, acceptable to the office of the city attorney, which memorializes the above
11 obligations. These obligations and the letter of agreement shall survive termination,
12 extinguishment, or invalidation of the cannabis-related approval. Failure to timely
13 execute the letter of agreement does not relieve the applicant of any of the obligations
14 contained in this section or any other requirements or performance or operating
15 standards that may be imposed by the city.
- 16
- 17 D. To the fullest extent permitted by law, the city shall not assume any liability
18 whatsoever, with respect to approving any operational permit pursuant to this chapter,
19 or the operation of any retailer or retail cannabis establishment approved pursuant to
20 this chapter.
- 21

22 **Sec. 27-59 – 27-60. – RESERVED**

23

24

25 **SECTION 9. Section 28-63 of Chapter 27 of the Roswell City Code is hereby amended as**
26 **follows:**

27

28 **Sec. 27-63. – Establishment of ICAN Zoning Designation.**

29

30 A. Purpose:

31

- 32 1. The ICAN zoning designation is intended to provide for a variety of cannabis
- 33 cultivation, processing, manufacturing, distribution, and processing, including
- 34 research and development opportunities conducted in a manner not detrimental to
- 35 the rest of the community by reason of the emission or creation of noise, vibration,
- 36 smoke, dust, or other particulate matter, toxic or noxious materials, odors, fire,
- 37 explosive hazards, glare, or heat.
- 38
- 39 2. Because of the potential for heavy traffic generating characteristics, potential ability
- 40 to operate 24 hours per day, and potentially detrimental appearance and
- 41 performance, the ICAN zoning designation is only applicable to properties
- 42 currently zoned I-2 (Heavy Industrial), with further restrictions on locations
- 43 pursuant to Secs. 27-64 (Prohibited Districts) and 27-65 (Prohibited Locations and
- 44 Activities) of this chapter.
- 45

46 B. Land Use Regulations:

47

1. Permitted uses are as follows:
 - a. Any use permitted in the I-1 district.
 - b. Any use permitted in the I-2 district.
2. Special uses are as follows:
 - b. Any special use permitted in the ~~C-1~~ I-1 district.
 - c. Any special use permitted in the ~~C-2~~ I-2 district.
3. Conditional Uses are as follows:
 - a. Cannabis cultivation facilities, including processing and extraction.
 - b. Cannabis manufacturing and product development facilities.
 - c. Cannabis distribution and logistics centers.
 - d. Cannabis research and development facilities.
 - e. Any other cannabis-related facility, establishment, or center not allowed in the CCAN Zone.
4. Land Development Standards:
 - a. Lot or parcel size requirements - RESERVED
 - b. Building setback from property line - RESERVED
 - c. Building separation distance - RESERVED
 - d. Parking required - RESERVED
 - e. Landscaping required - RESERVED
 - f. Water availability – RESERVED
 - g. Effluent disposal - RESERVED
 - h. Solid waste disposal, including green waste - RESERVED
 - i. Fire Department requirements - RESERVED
 - j. Utility (sewer, power, communications, etc.) availability - RESERVED

SECTION 10. Article 8 of Chapter 27 of the Roswell City Code is hereby amended as follows:

ARTICLE 8: INDUSTRIAL CANNABIS ESTABLISHMENT – REGULATORY OPERATIONAL PERMIT

Sec. 27-71. – Operational Permit Application, Additional Information Required

In addition to the information required in Sec. 27-53, an application for an Industrial Cannabis Establishment operational permit shall include, but shall not be limited to, the following information:

- A. A complete and detailed diagram of the proposed premises showing the boundaries of the property and the proposed premises to be permitted, showing all boundaries, dimensions, entrances and exits, interior partitions, walls, rooms, windows, doorways, and common or shared entryways, storage areas and exterior lighting. The diagram must show the areas in which all business will take place, including but not limited to, limited-access areas.

- 1 B. A detailed security plan, outlining the security system features and measures that will
2 be taken to ensure the safety of persons and property on the premises, and the proposed
3 security arrangements to deter and prevent unauthorized entrance into limited access
4 areas and theft of cannabis, in accordance with security measures required by state law.
5 As part of the security plan, a lighting plan is required that shows existing and proposed
6 exterior and interior lighting that will provide adequate security lighting for the
7 industrial cannabis activity and premises. The security plan shall be reviewed by the
8 Roswell Police Department and Community Development Department. The security
9 plan must be prepared by a qualified professional and include provisions in compliance
10 with the following:
11
12 1. Security cameras shall be installed and maintained in good condition, and used in
13 an on-going manner with at least two hundred forty (240) concurrent hours of
14 digitally recorded documentation in a format approved by the city manager. The
15 cameras shall be in use twenty-four (24) hours per day, seven days per week. The
16 areas to be covered by the security cameras shall include, but are not limited to, the
17 public areas, storage areas, employee areas, all doors and windows, and any other
18 areas as determined to be necessary by the city manager.
19
20 2. The premises shall be alarmed with an audible interior and exterior alarm system,
21 unless waived for extenuating circumstances by the city manager that is operated
22 and monitored by a recognized security company deemed acceptable by the city
23 manager. Any change in the security company shall be subject to the approval of
24 the city manager. All current contact information regarding the security company
25 shall be provided to the city manager.
26
27 3. Entrance to the cultivation, manufacturing, testing areas, and any storage areas shall
28 be locked at all times, and under the control of cannabis facility staff.
29
30 4. All cannabis and/or cannabis products shall be securely stored, and a reliable,
31 commercial alarm system shall be installed and maintained where the cannabis is
32 secured.
33
34 5. A licensed security guard, approved by the Roswell Police Department, shall be
35 present at the premises during all hours of operation. If the security guard is to be
36 armed, then the security guard shall possess at all times a valid security guard card
37 and firearms permit.
38
39 6. A heavy-gauge chain-link (or other material as approved by the city manager)
40 fence, a minimum of eight-feet in height, shall be constructed around the perimeter
41 of the premises to prevent public access and obscure the cannabis cultivation
42 facility from public view. Screening may include landscaping or vinyl slats.
43
44 C. An odor control plan that describes the air treatment system or other methods that will
45 be implemented to prevent odors generated by the industrial cannabis activity from
46 being detected outside the building(s) on the premises.
47

- 1 D. Any such additional and further information as is deemed necessary by the city
2 manager to administer this chapter.

3
4 **Sec. 27-72. – Operating Standards**

- 5
6 A. Indoor cultivation only. A permittee shall only cultivate cannabis in a fully enclosed
7 and secure building. A permittee shall not allow cannabis or cannabis products on the
8 premises to be visible from the public right of way, the unsecured areas surrounding
9 the buildings on the premises, or the premises' main entrance and lobby.
- 10
11 B. Limited access areas. A permitted industrial cannabis establishment shall only permit
12 authorized individuals to enter the cannabis establishment's limited-access areas.
- 13
14 C. Odor control. A permittee shall comply with the odor control plan that is submitted
15 during the application process and approved by the city manager. Industrial cannabis
16 establishments shall provide a sufficient odor absorbing ventilation and exhaust system
17 so that odor generated inside the building(s) that is distinctive to its operation is not
18 detected outside the premises, anywhere on adjacent property or public rights-of-way,
19 on or about any exterior or interior common area walkways, hallways, breezeways,
20 foyers, lobby areas, or any other areas available for common use by tenants or the
21 visiting public, or within any other unit located within the same building as the
22 commercial cannabis activity. As such, applicants must install and maintain the
23 following equipment or any other equipment which the city manager determines has
24 the same or better effectiveness:
- 25
26 1. An exhaust air filtration system with odor control that prevents internal odors from
27 being emitted externally; and
- 28
29 2. An air system that creates negative air pressure between the cannabis facility's
30 interior and exterior so that the odors generated inside the cannabis facility are not
31 detectable outside the cannabis facility.
- 32
33 3. Should compliance with the odor control plan fail to properly control odor, the city
34 manager may impose additional or modified plan restrictions.
- 35
36 D. Security. A permittee shall comply with the security plan that is submitted during the
37 application process as reviewed by the city manager. A permittee shall report to the
38 Roswell Police Department all criminal activity occurring on the premises. Should
39 compliance with the security plan fail to properly secure the premises of the industrial
40 cannabis establishment, the city manager may impose additional or modified plan
41 restrictions.
- 42
43 E. Cannabis consumption prohibited. No person shall smoke, ingest, or otherwise
44 consume cannabis in any form on the premises of the industrial cannabis establishment
45 unless the permittee has a valid onsite consumption permit. No person shall smoke,
46 ingest, or otherwise consume cannabis in violation of state law.
- 47

- 1 F. Alcohol and tobacco sales prohibited. A permittee shall not sell alcoholic beverages or
2 tobacco products on or at any premises permitted under this chapter.
3
4 G. Juveniles prohibited. No one under the age of eighteen (18) shall be allowed on the
5 premises, nor shall anyone under the age of twenty-one (21) operate an industrial
6 cannabis establishment in any capacity, including, but not limited to, as a manager,
7 staff, employee, contractor, or volunteer.
8
9 H. State law compliance. All retail cannabis establishments must operate in full
10 compliance with state law.
11

12 **Sec. 27-73. – Building Standards**
13

- 14 A building that houses an industrial cannabis establishment shall comply with the
15 following requirements:
16
17 A. Entrances. All entrances into the buildings on the premises shall be locked at all times
18 with entry controlled by the permittee's managers and staff. A Knox Box shall be
19 provided to emergency services personnel to allow access to the buildings 24-hours a
20 day, seven days a week.
21
22 B. Main entrance and lobby. The premises shall have a building with a main entrance that
23 is clearly visible from the public street or sidewalk. The main entrance shall be
24 maintained clear of barriers, landscaping, and other obstructions. Inside of the main
25 entrance, there shall be a lobby to receive persons into the premises and to verify
26 whether they are allowed in the building.
27
28 C. Activity area. All cultivation, manufacturing, or testing areas in any building on the
29 premises shall be separated from the main entrance and lobby, and shall be secured by
30 a lock accessible only to managers and staff of the permittee.
31

32 **Sec. 27-74. – Premises Restricted**
33

- 34 A. No permittee shall open the industrial cannabis establishment to the public.
35
36 B. No permittee shall allow anyone on the premises, except for managers, staff, and other
37 persons with a bona fide business or regulatory purpose for being there, such as
38 contractors, inspectors, and cannabis transporters.
39
40 C. A manager must be on the premises at all times that any other person, except for
41 security guards, is on the premises.
42

43 **Secs. 27-75. – 27-100. – RESERVED**
44
45
46
47

1 SECTION 11. Article 9 of Chapter 27 of the Roswell City Code is hereby amended as follows:
2

3 **ARTICLE 9: RETAIL CANNABIS ESTABLISHMENT – REGULATORY**
4 **OPERATIONAL PERMIT**
5

6 **Sec. 27-101. – Operational Permit Application, Additional Information Required**
7

8 In additional to the information required in Sec. 27-53, an application for a Retail
9 Cannabis Establishment operational permit shall include, but shall not be limited to, the
10 following information:
11

12 A. A complete and detailed diagram of the proposed premises showing the boundaries of
13 the property and the proposed premises to be permitted, showing all boundaries,
14 dimensions, entrances and exits, interior partitions, walls, rooms, windows, doorways,
15 and common or shared entryways, storage areas and exterior lighting. The diagram
16 must show the areas in which all business will take place, including, but not limited to,
17 limited-access areas.
18

19 B. A detailed security plan outlining the security system features, measures, and proposed
20 security arrangements to deter and prevent unauthorized entrance into limited access
21 areas and theft of cannabis, in accordance with minimum security measures required
22 by state law. The security plan shall be reviewed by the Roswell Police Department
23 and the city manager.
24

25 C. Any such additional and further information as is deemed necessary by the city
26 manager to administer this Section.
27

28 **Sec. 27-102. – Operating Standards**
29

30 A. Limited access areas. A permitted retailer shall only permit authorized individuals to
31 enter the retail cannabis establishment limited-access areas.
32

33 B. Retail area. Individuals shall only be granted access to the area to purchase cannabis
34 goods after the permittee has identified the individual as a medical cannabis patient,
35 primary caregiver, or person over the age of twenty-one (21), depending on whether
36 the retail cannabis establishment sells medicinal or recreational cannabis or both.
37

38 C. Delivery. All deliveries of cannabis must be performed in compliance with State law,
39 corresponding state-issued regulations, and local ordinance.
40

41 D. An inventory record documenting the dates and amounts of cannabis produced or
42 received at the premises, the daily amounts of cannabis on the premises, and the daily
43 amounts of cannabis transported from the premises. The retail cannabis establishment
44 manager shall report any loss, damage, or destruction of these records to the city
45 manager within twenty-four (24) hours of the loss, damage, or destruction.
46

- 1 E. Security. A permittee shall comply with the security plan that is submitted during the
2 application process as approved by the city manager. A permittee shall report to the
3 Roswell Police Department all criminal activity occurring on the premises. Should
4 compliance with the security plan fail to properly secure the retailer or retail
5 microbusiness premises, the city manager may impose additional or modified plan
6 restrictions.
7
8 F. Cannabis consumption prohibited. No person shall smoke, ingest, or otherwise
9 consume cannabis in any form on the premises of a retail cannabis establishment unless
10 the retailer has a valid onsite consumption permit. No person shall smoke, ingest, or
11 otherwise consume cannabis in violation of state law.
12
13 G. Alcohol and tobacco sales prohibited. A permittee shall not sell alcoholic beverages or
14 tobacco products on or at any premises permitted under this chapter.
15
16 H. Juveniles prohibited. No one under the age of eighteen (18) shall be allowed on the
17 premises, nor shall anyone under the age of twenty-one (21) operate a retail cannabis
18 establishment in any capacity, including, but not limited to, as a manager, staff,
19 employee, contractor, or volunteer.
20
21 I. No cannabis odors shall be detectable outside of the permitted retail cannabis
22 establishment.
23
24 J. State law compliance. All retail cannabis establishments must operate in full
25 compliance with state law.
26

27 **Secs. 27-103. – 27-130. – RESERVED**
28

29 **SECTION 12. Article 10 of Chapter 27 of the Roswell City Code is hereby amended as follows:**
30

31 **ARTICLE 10: ON-SITE CANNABIS CONSUMPTION PERMIT**
32

33 **Secs. 27-131. – On-Site Cannabis Consumption Permit Requirements**
34

- 35 A. A retail cannabis establishment must obtain an on-site consumption permit (in addition
36 to an operational permit under this chapter and a conditional use permit) in order for
37 cannabis to be consumed on the premises of the retail cannabis establishment.
38
39 B. An onsite consumption permit may be issued at the discretion of the city manager to
40 existing cannabis retail establishments in good standing. An application for an onsite
41 consumption permit may be denied for failure to meet requirements of the city building
42 code, fire code, zoning code, this chapter, and/or any violation of state or local law
43 relevant to the operation of a retail cannabis establishment.
44
45 C. The city manager shall establish conditions of approval for each onsite consumption
46 permit, including, but not limited to a parking plan, ventilation plan, and anti-drugged
47 driving plan.

1
2 D. The On-Site Cannabis Consumption permit shall be subject to suspension or revocation
3 in accordance with Sec. 27-55, and the owner or operator shall be liable for any
4 excessive police or other costs related to enforcement, pursuant to Chapter 16 –
5 Nuisances, of the Roswell City Code.
6

7 E. The application fee and annual fee for the on-site consumption permit shall be
8 determined by city council resolution.
9

10 F. All on-site consumption permits shall be issued for a term of one year. No property
11 interest, vested right, or entitlement to receive a future license to operate a retail
12 cannabis establishment shall ever inure to the benefit of such permit holder as such
13 permits are revocable at any time with or without cause by the city manager subject to
14 Sec. 27-55.
15

16 **Secs. 27-132. – 27-140. – RESERVED**
17

18 **SECTION 13. Article 11 of Chapter 27 of the Roswell City Code is hereby amended as follows:**
19

20 **ARTICLE 11: CANNABIS SPECIAL EVENT - TEMPORARY PERMIT**
21

22 **Secs. 27-141. – Temporary/Special Event Requirements**
23

24 A. Temporary/Special Cannabis Events are allowed within the city, provided that the
25 event organizer holds a current adult-use cannabis license from the state Cannabis
26 Control Division and obtains the following permits and approvals from the City of
27 Roswell:
28

29 1. a temporary/special cannabis event license; and
30

31 2. a conditional use permit (CUP) from the city pursuant to this chapter
32

33 B. A cannabis event organizer must provide notice to the city of the proposed
34 temporary/special cannabis event no less than ninety (90) days before the first day of
35 the cannabis event, to allow adequate time for the submittal, review, and approval of
36 the CUP for the proposed event. Late requests (less than 90 calendar days from the
37 proposed date of the event) for temporary/special event permits will not be accepted or
38 processed.
39

40 C. Temporary/Special cannabis events must remain in full compliance with state law,
41 corresponding state regulations, and local ordinances, throughout the duration of the
42 event.
43

44 D. Alcohol and tobacco sales prohibited. A permittee for temporary/special events shall
45 not sell alcoholic beverages or tobacco products on or at any premises permitted under
46 this chapter.
47

- 1 E. The Temporary/Special Cannabis Event permit shall be subject to suspension or
2 revocation in accordance with Sec. 27-55, and the owner or operator shall be liable for
3 excessive police or other costs related to enforcement, pursuant to Chapter 16 –
4 Nuisances, of the Roswell City Code.

5
6 **Secs. 27-142. – Vendor Licensing**

- 7
8 A. All vendors at Temporary/Special Cannabis Events must be approved by the City of
9 Roswell Community Development Dept. All vendors must hold a current City of
10 Roswell Business License as well as any other permits or licenses necessary or
11 required, dependent upon the type or category of vendor permit desired:

- 12
13 1. Mobile or non-mobile vendor: General products and services
14
15 2. Mobile or non-mobile vendor: Food or other non-cannabis consumables
16
17 3. Vendor: Non-THC products, services, materials, gifts, and/or collectibles
18 intended to support the commercial cannabis industry.
19
20 4. Vendor: Industrial Hemp and/or CBD products and services
21
22 5. Vendor: Cannabis and/or cannabis infused products
23

- 24 B. All vendors, regardless of type or category, shall contact the City of Roswell’s Business
25 License Division a minimum of 30-days prior to any Temporary/Special Cannabis
26 Event to obtain necessary business license and operational permits. Applications for
27 business license or operational permits received less than 30-days prior to the
28 Temporary/Special Cannabis Event may be subject to denial.
29

30 **Secs. 27-143. – On-Site Cannabis Consumption**

- 31
32 A permit for On-site cannabis consumption at Temporary/Special Cannabis Events may be
33 issued at the discretion of the City Manager, pursuant to the requirements of Article 10,
34 Sec. 27-130 of this chapter.
35

36 **Secs. 27-144. – 27-149. – RESERVED**
37
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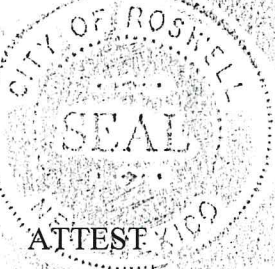
1 **SECTION 14.** All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby
2 repealed to the extent of such inconsistency. This repeal shall not be construed to revive any
3 ordinance or part of any ordinance heretofore repealed.

4
5 **SECTION 15.** If any section, paragraph, clause or provisions of this ordinance for any reason shall
6 be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph,
7 clause or provision shall not affect any other part of this ordinance.

8
9 **SECTION 16.** This ordinance shall be effective after five (5) days following its publication as
10 required by law.

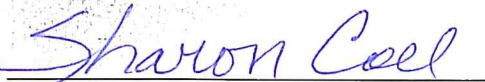
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12
13 PASSED, ADOPTED, SIGNED and APPROVED on this 9th day of December 2021.

14
15 CITY SEAL



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31

Dennis Kintigh, Mayor

29
30
31

Sharon Coll, City Clerk

Underscoring indicates addition to existing Code section.
~~Strike through~~ indicates delete of an existing Code section.